



STATE OF TENNESSEE
DEPARTMENT OF LABOR AND WORKFORCE DEVELOPMENT
DIVISION OF WORKFORCE SERVICES
220 French Landing Drive
Nashville, TN 37243-1002
(615) 741-1031

Workforce Services Policy – Eligible Training Provider List¹

Effective Date: (Needs a date)

Duration: (Needs a date)

Purpose:

To provide information and direction required under the Workforce Innovation and Opportunity Act of 2014 (WIOA) for training providers on Tennessee's statewide Eligible Training Provider List (ETPL). This policy also builds upon and enhances the Tennessee Department of Labor and Workforce Development's Combined Strategic Plan.

Scope:

Office of the Governor, Tennessee Department of Labor and Workforce Development (TDLWD); Division of Workforce Services (WFS); Tennessee Department of Economic and Community Development (ECD); Tennessee Department of Education (TNED); Tennessee Department of Human Services (DHS); State Workforce Development Board (SWDB); Title I – Adult, Dislocated Worker, and Youth Programs, Title II – Adult Education and Family Literacy Act Program(AE); Title III – Wagner-Peyser Act Program (WP); Title IV – Vocational Rehabilitation Program (VR); Regional Planning Council (RPC); Local Workforce Development Boards (LWDB); Local Workforce Development Areas (LWDA); American Job Center (AJC); One-Stop Operator (OSO); Workforce System Sub-Recipients (Sub-Recipients); Workforce System Partners (Partners)

Background:

The ETPL supplies useful information on training providers, the services they provide, and the quality of their programs. To maximize customer choice and assure that all population groups are served, a comprehensive process must assure that a significant number of qualified Eligible Training Providers (ETPs) are available to customers. Only approved programs listed on the State's ETPL are authorized for referral and enrollment of a WIOA participant. Eligible applicants can use the ETPL to make an informed choice regarding training providers. In this way, the ETPL provides consumers with a choice, which also supports increased performance accountability.

I. Eligible Training Providers²:

¹ TEGL 41-14

² 20 CFR 680.410

Eligible Training Providers are entities that are qualified to receive WIOA Title I–B funds, according to criteria and procedures established by the Governor³. To be eligible to receive monies, ETPs must be one (1) of the following:

- A post-secondary educational institution that provides a program that leads to an associate degree, baccalaureate degree, diploma or certificate;
- An entity that carries out programs under the National Apprenticeship Act;
- A training program that is directly associated with the Tennessee Department of Human Services Division of Rehabilitation Services;
- A training provider that has demonstrated effectiveness in training populations that face established barriers to employment⁴; or
- Other groups as determined by the Governor⁵.

II. Training Service Program:

A training program must lead to at least one (1) of the following:

- An industry-recognized certificate or certification, a certificate of completion of a registered apprenticeship, a license recognized by the State involved or the Federal government, an associate or baccalaureate degree;
- A secondary school diploma or its equivalent;
- Employment; or
- Measurable skill gains toward a credential or secondary school diploma.

III. Registered Apprenticeships⁶:

All approved Registered Apprenticeships (RA) are automatically eligible to be included on the statewide ETPL. RAs are not subject to the same application, performance information requirements, or period of initial eligibility procedures since they have already gone through a detailed application and vetting process through the USDOL Office of Apprenticeship.

The information required for an RA program to be added to the ETPL are:

- Occupation(s) included within the registered apprenticeship program;
- Name and address of the Registered Apprenticeship Program Sponsor;
- Name and address of the related technical instruction provider, including the location of the facility if different from the program sponsor's address;
- Method and length of instruction, and
- The number of active apprentices.

IV. Licensing:

In-state and out-of-state postsecondary institutions must be authorized by a state governing body—such as the Tennessee Higher Education Commission (THEC), the Tennessee Board of Regents (TBRs), the Tennessee Independent Colleges and Universities Association (TICUA), and the Southern Association of Colleges and Schools (SACs)—to operate in the State of Tennessee. This does not apply to RAs.

³ WIOA Section 122(b)(1)

⁴ WIOA Section (3)(24)

⁵ WIOA Section 134(c)(3)(E)

⁶ 20 CFR 680.470

V. Loss of Eligibility⁷:

To maintain eligibility as a training provider, an entity must provide accurate information and adhere to federal and state performance metrics as provided in additional guidance.

VI. Reciprocal Agreement:

While the ETPL is the primary list of ETPs and programs to be used when referring an eligible WIOA Title I-B candidate to training, the Local Workforce Development Board (LWDB) can send a participant to training located in a different state if the training provider has a Reciprocal Agreement with Tennessee. These agreements allow Tennessee participants to use ETPs if that training provider appears on the other State's ETPL. Similarly, WIOA participants in the reciprocal states can utilize programs that are on Tennessee's ETPL.

VII. Individual Training Account:

The Career Service Provider (CSP) must create an Individual Training Account (ITA) to secure funds for participants who select any of the approved programs on the ETPL. ITAs are used to train participants in-demand occupations across the State as well as those designated the specific LWDB. While participants can select training from the ETPL, TDLWD and LWDB policies determine the type and funding amounts for each program. The LWDB may choose not to fund certain training programs based on, but not limited to, the following reasons:

- Lack of occupational demand; or
- High tuition costs compare to similar programs; or
- Lack of a living wage upon program completion.

VIII. Monitoring:

The TDLWD will monitor the LWDBs for ETPL compliance at a minimum of every two (2) years. The LWDBs must monitor a minimum of fifteen percent (15%) of the training providers' program each year between July 1 and June 30. The LWDB will randomly select WIOA participant files and validate that the data has been uploaded into the system correctly ensuring that the yearly Federal ETP report is accurate. Additionally, the LWDBs must establish monitoring procedures and will provide a copy of this process to the ETPL Coordinator upon request.

IX. Training Provider Responsibilities:

Training providers must comply with the following:

- ETPs must answer all questions on the [application](#) located on TDLWD's website.
- Submit additional documents as needed to the LWDB and the TDLWD as required;
- Submit the Annual Training Performance Report (Annual Report) to the TDLWD and LWDB;
- Notify the LWDB of any changes or updates to a training program;
- Notify the LWDB of any other changes such as a change in the point of contact, a change of the school's location, or impending sale or closure.

X. Tennessee Department of Workforce Development Responsibilities:

- The TDLWD will ensure that the information contained on the ETPL is accurate and current. The State will provide an updated list to all LWDBs and the public through the State's website⁸.
- The TDLWD will submit all reports to the appropriate Federal Agency as required.

XI. Local Workforce Development Area Responsibilities:

⁷ 20 CFR 680.480(b)

⁸ WIOA Section 122(d)(1)

- The LWDB is responsible for ensuring that all AJC staff members in the respective LWDBs have access to the ETPL, and are knowledgeable about its use; the LWDB will also ensure local access to the ETPL for customers within the AJCs⁹.
- The LWDB is responsible for ensuring that all participants are enrolled in approved training programs as identified on the ETPL.

XII. Performance Data Requirements for Annual Reporting (Excluding Registered Apprenticeships):

- ETPs must submit accurate and timely information¹⁰ for participants receiving training under WIOA Title I-B.
- ETPs must provide the information necessary to determine program performance and to meet requirements per WIOA. The ETP must agree to make their data available to validate the information submitted for reporting¹¹.
- The annual performance reports must contain individual-level data for all participants in programs offered by the ETP that include at least one (1) student receiving WIOA funding.
- The reports are due to the TDLWD on July 15 of every year.

XIII. Minimum Performance Measures:

Four (4) performance standard measures are established to evaluate the subsequent eligibility determination for programs with a minimum of ten (10) WIOA students at the end of each program year (July 1- June 30). They are:

- WIOA student completion rate for each Program must be greater than or equal to 40%.
- All student completion rates for each Program must be greater than or equal to 70%.
- WIOA student placement rate for each Program must be greater than or equal to 40%.
- All student placement rate for each Program must be greater than or equal to 70%.

XIV. Failure to Meet Performance Requirements:

Failure to meet performance requirements can result in punitive action to include written warnings, suspension, or removal of a provider or program from the ETPL.

XV. Appeals¹².

An ETP can appeal the punitive action of the LWDB by following the established process as annotated in the ETPL guidance letter.

References:

20 CFR 680.410; 20 CFR 680.470; 20 CFR 680.480(b); 20 CFR 683.630(b); TEGL 41-14; WIOA Section (3)(24); WIOA Section 116(d)(4); WIOA Section 122(b)(1); WIOA Section 122(d)(1); WIOA Section 134(c)(3)(E)

⁹ WIOA Section 122(d)(1)

¹⁰ WIOA Section 116(d)(4)

¹¹ WIOA Section 116(d)(4)

¹² 20 CFR 683.630(b)

Contact:

For any questions related to this policy, please contact the Program Integrity Unit at Workforce.Board@tn.gov.

State Workforce Development Board Chair, Tim Berry